



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: EN-1314-7

File ID: EN-1314-7 **Type:** Encroachment **Status:** Consent Item

Version: 2 **Reference:** Item No. 19 **In Control:** City Council

Department: Legal Department **Cost:** **File Created:** 04/15/2014

File Name: Encroachment for 245 Olde Brook Court **Final Action:**

Title: CONSIDERATION OF CONSENT TO ENCROACHMENT NO. EN-1314-7 FOR LOT 7, BLOCK 1, BROOKHAVEN ON MAIN #2, CLEVELAND COUNTY, CITY OF NORMAN, OKLAHOMA. (245 OLDE BROOK COURT)

Notes: ACTION NEEDED: Motion to approve or reject Consent to Encroachment No. EN-1314-7; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Agenda Date: 04/22/2014

Agenda Number: 19

Attachments: Text File Encroachment.pdf, Memo from the Clerk.pdf, Application, Consent 1314-07, Planning Consent, Utilities Approval, Public Works Consent.pdf, Utility Company Responses.pdf

Project Manager: Jeff Bryant, City Attorney

Entered by: denise.johnson@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File EN-1314-7

Body

BACKGROUND: An encroachment request has been filed in the office of the City Clerk by Greg McDougall of Pleasant Pools on behalf of Roxanne Avery, homeowner, requesting a Consent to Encroach into a utility easement for a swimming pool.

DISCUSSION: The application for the Consent to Encroach concerns the encroachment upon a City of Norman 17' utility easement for a 10' x 10' swimming pool in the 17' utility easement. The swimming pool, in its entirety, is located in the 17' easement. Further, a manhole is located in this easement but is located an acceptable distance from the swimming pool.

Staff has reviewed the application and the "hold harmless" clause. From a legal perspective, it protects the City's concerns with respect to damage to the property owner's property should the City or other authorized entity be required to perform work within its easements.

The benefit to having a consent to encroach on file is that it is evidence of the property owners' understanding

that, while the City is allowing them to encroach upon the easement, the City is not liable and will not be responsible for damage to the property owners' property in the event maintenance has to be performed within the easement.

STAFF RECOMMENDATION: Based upon the above and foregoing, the City Attorney's office is forwarding the above Consent to Encroach for Council consideration.